

**UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE: ROBERT W SMITH  
RENEE D SMITH

CHAPTER 13

Debtor(s)

CASE NO: 1-17-02376-HWV

JACK N. ZAHAROPOULOS  
CHAPTER 13 TRUSTEE  
Movant

vs.

ROBERT W SMITH etal.  
Respondent(s)

**TRUSTEE'S MOTION TO DISMISS CASE**

COMES NOW, on June 15, 2022, Jack N. Zaharopoulos, Standing Chapter 13 Trustee, through his attorney, Douglas R. Roeder, Esquire, and moves this Honorable Court for Dismissal, a statement of which follows:

1. Debtor(s) filed the above case on June 6, 2017.
2. The plan obligates Debtor(s) to make monthly payments to the Trustee.
3. The Trustee filed Motions to Dismiss Case for Material Default due to non-payment of these monthly payments on the following dates - 12/12/2018, 05/09/2019, 08/14/2019, 12/09/2020, 07/08/2021
4. Debtor(s) cured each of these defaults prior to the scheduled hearing and therefore avoided entering into a stipulation to maintain timely payments.
5. Debtor(s) is currently 4 months in default with arrearages of \$2,132.00, along with their current regular monthly payment of \$648.00, through June 15, 2022. The total arrearage amount therefore due is **\$2,780.00**.
6. The non-payment of Debtor's plan obligation is
  - a. a material default with respect to the confirmed plan; and
  - b. an unreasonable delay by Debtor that is prejudicial to creditors.
7. Dismissal of the case is in the best interest of the creditors and the estat

8. Notice of hearing and other instructions are included with this motion.

WHEREFORE, the Standing Chapter 13 Trustee requests this court to dismiss the above case.

Dated: June 15, 2022

Respectfully submitted,

/s/ Douglas R. Roeder, Esquire

ID: 80016

Attorney for Trustee

Jack N. Zaharopoulos

Standing Chapter 13 Trustee

8125 Adams Drive, Suite A

Hummelstown, PA 17036

Phone: (717) 566-6097

email: droeder@pamd13trustee.com

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**NOTICE**

NOTICE IS HEREBY GIVEN THAT Jack N. Zaharopoulos, Standing Chapter 13 Trustee for the Middle District of Pennsylvania, through his attorney, Douglas R. Roeder, Esquire, has filed a Motion to Dismiss for failure to make timely payments pursuant to your Chapter 13 Plan.

YOU ARE HEREBY NOTICED that a HEARING with the Court has been scheduled on this motion. Any matters not resolved shall be heard at the dismissal hearing.

July 13, 2022 at 09:35 AM  
Bankruptcy Courtroom  
Ronald Reagan Federal Bldg.  
3rd Floor, 228 Walnut Street  
Harrisburg, PA 17101

YOU ARE FURTHER NOTICED that you MUST attend the dismissal hearing unless one of the following takes place.

1.        You have entered into a valid stipulation with Trustee Zaharopoulos and that stipulation has been filed with the U.S. Bankruptcy Court.

2. You have filed a voluntary conversion to Chapter 7 or a voluntary case dismissal with the U.S. Bankruptcy Court and have served a copy of that motion upon Trustee Zaharopoulos.

**FAILURE TO COMPLY WITH THE ABOVE WILL RESULT IN YOUR CHAPTER 13 CASE BEING CALLED FOR DISMISSAL HEARING WITH THE COURT ON THE DATE AND TIME AS SPECIFIED IN THIS NOTICE. THIS MAY RESULT IN DISMISSAL OF YOUR CASE.**

Dated: June 15, 2022

/s/ Douglas R. Roeder, Esquire  
ID: 80016  
Attorney for Trustee  
Jack N. Zaharopoulos  
Standing Chapter 13 Trustee  
8125 Adams Drive, Suite A  
Hummelstown, PA 17036  
Phone: (717) 566-6097  
email: droeder@pamd13trustee.com

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**CERTIFICATE OF SERVICE**

I certify that I am more than 18 years of age and that on June 15, 2022, I served a copy of this Motion to Dismiss, Notice and Proposed Order on the following parties by 1<sup>st</sup> Class mail from Hummelstown, PA, unless served electronically.

Served Electronically

MICHAEL CAUM, ESQUIRE  
PO BOX 272  
SHREWSBURY PA 17361-

UNITED STATES TRUSTEE  
SUITE 1190  
228 WALNUT STREET  
HARRISBURG, PA 17101

Served by First Class Mail

ROBERT W SMITH  
RENEE D SMITH  
3650 NEW PARK ROAD  
NEW PARK PA 17352

I certify under penalty of perjury that the foregoing is true and correct.

Date: June 15, 2022

/s/ Matt Arcuri

Office of the Standing Chapter 13 Trustee  
Jack N. Zaharopoulos  
Suite A, 8125 Adams Dr.  
Hummelstown, PA 17036  
Phone: (717) 566-6097  
email: info@[pamd13trustee.com](mailto:info@pamd13trustee.com)

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**ORDER DISMISSING CASE**

Upon consideration of the Trustee's Motion to Dismiss, it is hereby Ordered that the above-captioned bankruptcy be and hereby is dismissed. The Court retains jurisdiction to rule on any timely filed fee application.